

Message Text

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ACTION NODS-00

INFO OCT-01 ISO-00 /001 W

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Z O 262355Z AUG 75

FM USDEL JERUSALEM

TO USDEL SECRETARY IN ALEXANDRIA FLASH

INFO SECSTATE WASHDC IMMEDIATE 7335

S E C R E T SECTION 1 OF 2 JERUSALEM 1389

NODIS/CHEROKEE

FOR SECRETARY FROM LEIGH AND ATHERTON

E.O. 11652: GDS

TAGS: PFOR, EG, US, IS

SUBJ: FIRST DRAFT OF US-EGYPT BILATERAL ON MONITORING

REF: SECTO 10127

FOLLOWING IS HASTY FIRST DRAFT OF BILATERAL US-EGYPT
AGREEMENT ON MONITORING:

AGREEMENT ON MONITORING

THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT, AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA;

NOTING THE CONCLUSION ON THIS DATE OF AN AGREEMENT
BETWEEN THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT
AND THE GOVERNMENT OF ISRAEL, AND

DESIRING TO FACILITATE THE IMPLEMENTATION OF
THAT AGREEMENT,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

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THE PARTIES CONSIDER THAT A UNITED STATES CUSTODIAL

ROLE IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF AN EARLY WARNING SYTEM IN THE AREA OF THE MITLA AND GIDDI PASSES WILL FACILITATE THE ACHIEVEMENT OF THE OBJECTIVES OF THE AGREEMENT REFERRED TO ABOVE WILL CONSTITUTE AN IMPORTANT CONTRIBUTION TO THE ESTABLISHMENT OF CONDITIONS CONDUCIVE TO PROGRESS TOWARD A FINAL PEACE AGREEMENT.

ARTICLE 2

THE EARLY WARNING SYSTEM REFERRED TO IN ARTICLE 1 SHALL CONSIST OF SURVEILLANCE AND WATCH STATIONS AS SPECIFIED IN THE ANNEX. ALL STATIONS SHALL OPERATE UNDER THE AEGIS OF THE UNITED STATES. THE LOCATIONS AND OTHER DETAILS OF THE STATIONS ARE DESCRIBED IN THE ANNEX.

ARTICLE 3

THE UNITED STATES SHALL PROVIDE CIVILIAN PERSONNEL OF UNITED STATES NATIONALITY TO CARRY OUT AT EACH OF THE STATIONS THE TECHNICAL FUNCTIONS SPECIFIED IN THE ANNEX. SUCH UNITED STATES CIVILIAN PERSONNEL SHALL HAVE FREEDOM OF MOVEMENT TO AND FROM THE STATIONS WHICH MAKE UP THE EARLY WARNING SYSTEM AND SHALL BE IMMUNE FROM THE CRIMINAL AND CIVIL JURISDICTION AS WELL AS FROM THE CUSTOMS AND TAX JURISDICTION OF THE ARAB REPUBLIC OF EGYPT.

THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT WAIVES AND AND ALL CLAIMS AGAINST THE GOVERNMENT OF THE UNITED STATES, AND AGREE TO INDEMNIFY AND HOLD HARMLESS THE GOVERNMENT OF THE UNITED STATES AGAINST ANY AND ALL CLAIMS BY OTHERS, WHETHER GOVERNMENTAL OR PRIVATE ARISING OUT OF ANY ACTS OR OMISSIONS OF THE UNITED STATES CIVILIAN PERSONNEL IN THE CONDUCT OF ACTIVITIES UNDER THIS AGREEMENT.

ARTICLE 4

NO ARMS SHALL BE MAINTAINED AT THE STATIONS COVERED BY THIS AGREEMENT, EXCEPT FOR SUCH ARMS AS ARE REQUIRED

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BY THE PERSONNEL FOR INTERNAL SECURITY AND SELF-DEFENSE.

ARTICLE 5

THE GOVERNMENT OF THE UNITED STATES SHALL MAKE REPORTS AS APPROPRIATE TO THE SECRETARY GENERAL OF THE UNITED NATIONS WITH RESPECT TO THE ACTIVITIES UNDER THIS AGREEMENT OF UNITED STATES CIVILIAN PERSONNEL.

ARTICLE 6

THIS AGREEMENT SHALL ENTER INTO FORCE UPON
EXCHANGE OF WRITTEN NOTICES OF ACCEPTANCE BY EACH PARTY
AND SHALL REMAIN IN FORCE FOR THE DURATION OF THE AGREEMENT
REFERRED TO IN THE PREAMBLE.

ARTICLE 7

NOTWITHSTANDING ANY OTHER PROVISION OF THIS AGREEMENT,
THE UNITED STATES MAY WITHDRAW ITS PERSONNEL IF IT
CONCLUDES THAT THEIR SAFETY IS JEOPARDISED OR THAT
CONTINUATION OF THEIR ROLE IS NO LONGER IN THE NATIONAL
INTEREST OF THE UNITED STATES.

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TO USDEL SECRETARY IN ALEXANDRIA FLASH

INFO SECSTATE WASHDC IMMEDIATE 7336

S E C R E T SECTION 2 OF 2 JERUSALEM 1389

NODIS/CHEROKEE

FOR SECRETARY FROM LEIGH AND ATHERTON

DONE AT ON , 1975 IN

TWO COPIES, EACH OF WHICH SHALL BE DEEMED EQUALLY AUTHENTIC.

GOVERNMENT OF ARAB REPUBLIC

OF EGYPT

GOVERNMENT OF THE UNITED STATES

ANNEX

1. THE EARLY WARNING SYSTEM REFERRED TO IN ARTICLES 1
AND 2 SHALL INCLUDE THE FOLLOWING:

A (1) A NEW SURVEILLANCE STATION TO BE
CONSTRUCTED AND OPERATED BY EGYPT AT COORDINATES ,
AS SHOWN ON THE ANNEXED MAP, SHALL PERFORM THE FUNCTION OF
VISUAL AND ELECTRONIC SURVEILLANCE CONTEMPLATED UNDER THE
TERMS AND CONDITIONS OF THE AGREEMENT REFERRED TO IN THE
PREAMBLE.

A (2) THE MAXIMUM NUMBER OF EGYPTIAN PERSONNEL
PRESENT AT ANY ONE TIME AT THE STATION SHALL BE .

A (3) THE SURVEILLANCE FUNCTION DESCRIBED
IN SUB-PARAGRAPH A (1), ABOVE WILL BE PERFORMED UNDER
THE AEGIS OF THE UNITED STATES ACTING AS CUSTODIAN OF
THE SURVEILLANCE STATION. A SUFFICIENT NUMBER OF UNITED
STATES CIVILIAN PERSONNEL SHALL BE ASSIGNED TO THE STATION
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TO PERFORM THE FOLLOWING TECHNICAL RESPONSIBILITIES:

(A) MONITOR OPERATIONS WITHIN THE STATION AND
IMMEDIATELY REPORT ANY DETECTED DIVERGENCY FROM THE FUNCTIONS
DESCRIBED IN SUB-PARAGRAPH A (1) AND A (2) OF THIS
PARAGRAPH, TO THE UNEF, AND TO THE JOINT COMMISSION, AS
APPROPRIATE:

(B) MONITOR ALL MOVEMENT INTO, OUT OF, AND WITHIN
THE STATION AND REPORT THE SAME PERIODICALLY TO THE OTHER
PARTY, TO THE UNEF, AND TO THE JOINT COMMISSION, AS
APPROPRIATE.

(C) CONDUCT INSPECTIONS OF VEHICLES, AIRCRAFT
OR PERSONNEL UPON ENTRY INTO OR DEPARTURE FROM THE STATION
OR WITHIN EACH STATION.

B (1) THERE SHALL BE ESTABLISHED, MAINTAINED
AND OPERATED UNDER THE EXCLUSIVE CONTROL OF THE UNITED
STATES A WATCH STATION IN EACH OF THE MITLA AND GIDDI
PASSES AT THE POINTS SHOWN ON THE ANNEXED MAP. THERE
SHALL ALSO BE ESTABLISHED, MAINTAINED AND OPERATED UNMANNED
ELECTRONIC SENSORS AT BOTH ENDS OF EACH PASS AND IN THE
GENERAL VICINITY OF EACH STATION.

B (2) THE UNITED STATES TECHNICAL PERSONNEL
OPERATING THE WATCH STATIONS AND THE SENSORS SHALL;

(A) IMMEDIATELY REPORT TO THE JOINT COMMISSION,
AND TO UNEF, AS APPROPRIATE, ANY
MOVEMENT OF ARMED FORCES, OTHER THAN THE UNEF, INTO OR
OVER EITHER PASS AND ANY OBSERVED PREPARATIONS FOR SUCH
MOVEMENT;

(B) REPORT PERIODICALLY TO THE UNEF AND TO THE
JOINT COMMISSION, AS APPROPRIATE, ANY OTHER OBSERVATIONS
PERTINENT TO THE USE OF EITHER PASS.

2. THE UNITED STATES SHALL BE PERMITTED TO USE OR
ESTABLISH SUCH SUPPORT AND COMMUNICATIONS FACILITIES AS

MAY BE NECESSARY FOR THE CUSTODIAL AND MONITORING FUNCTIONS
TO BE CARRIED OUT BY UNITED STATES CIVILIAN PERSONNEL.

3. THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT SHALL
ENSURE FREE LANDING RIGHTS AND UNIMPEDED PASSAGE THROUGH
AND OVER TERRITORIES UNDER ITS JURISDICTION OR CONTROL
FOR THE UNITED STATES PERSONNEL, EQUIPMENT AND SUPPLIES.

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END OF TEXT.

COMMENT: PRINCIPAL CASUALTY OF REWRITE IS LOSS OF ARTICLE 7.
MAY ALSO NEED TO ADD AN MFN CLAUSE, I.E. AN ARTICLE ASSURING
EGYPT THAT ITS AGREEMENT WITH US EQUALLY AS GOOD AS THAT
WITH ANY OTHER COUNTRY. SIMILAR ASSURANCE
TO ISRAEL.

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